

The Department (issuing division) will notify the employer of its decision regarding a first appeal within 15 working days of receipt. **The decision must be immediately posted at the location of the subject citation.**

If the decision of a first appeal is not appealed within 15 working days of receipt, the decision will become a final order of the Board.

**III. SECOND APPEAL –  
APPEAL TO THE BOARD**

An employer, an employee or employee representative may appeal the Department’s (issuing division’s) decision concerning a first appeal to the Board. This second appeal must be submitted to the Department (issuing division) at the address shown on the citation. The envelope containing the second appeal must be postmarked within 15 working days of the receipt of the Department’s (issuing division) decision on the first appeal.

**A copy of the second appeal must be posted at the location of the subject citation or served by personal delivery by an authorized employee representative, informing the employees of their right to participate in any proceedings initiated by the Board. The copy of the second appeal must remain posted until a notice of hearing is received from the Board and posted.** A second appeal will be transmitted to the Board. The Board will send a notice of hearing to the employer indicating the date, time and location of the hearing.

**IV. ABATEMENT AND NOTIFICATION OF  
ABATEMENT**

Items of alleged violation that are not appealed must be corrected by the abatement date specified for the ITEM in the citation. The employer must notify the Department (issuing division) at the address indicated on the front of the citation when compliance with the ITEM has been achieved by writing “ABATED” in the “Date By Which Violation Must Be Abated” line, signing, and dating a copy of the citation. The abatement copy of the citation must be mailed to the Department (issuing division) within 3 working days of the abatement date of each item

appearing on the face of each citation. All violations (items) when abated are subject to this notification requirement. Exception: If the item is indicated “ABATED” in the “Date by Which Violation Must Be Abated” line, no further action is needed to notify the Department (issuing division). If an appeal or a request for an extension of time concerning a portion of the violations (items) on the citation is filed, the Department (issuing division) must still be notified upon compliance with the remaining violations (items) in the citation.

**V. MONETARY PENALTIES**

Payment must be made within 15 working days of the date a proposed penalty of a citation item becomes a final order of the Board. This would be the thirtieth (30th) working day after receipt of each citation item which is not appealed. For the payment of any penalty, make a check or money order payable to the “State of Michigan and remit to the Department of Labor & Economic Growth at the address shown on the citation. It is advised to record the applicable inspection number, citation number(s) and item number(s) on the check, money order, or your transmittal letter. Also enclose the penalty invoice page or a copy of it with your payment.

**Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty. Payment of the penalty does not eliminate the requirement of correcting the violation.**

**VI. PETITION FOR MODIFICATION OF THE  
ABATEMENT DATE (EXTENSION OF TIME)**

The employer may file a petition for modification of abatement date(s) with the Board on an item(s) of a citation which has become a final order. The petition for modification of abatement date must be submitted to the Department (issuing division) in writing, by personal delivery, or postmarked no later than one working day following the abatement date for which an extension of time is desired, and a copy posted near the place the citation was posted. The employer must have made a good faith effort to correct the violation by the abatement date, and has or will not be successful because of factors beyond the employer’s reasonable control.

The petition for modification of abatement date must include: (a) steps taken and the dates of those steps to achieve compliance during the prescribed abatement period; (b) the specific additional abatement time desired; (c) the reasons the additional time is necessary, such as the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement period; (d) available interim steps being taken to safeguard the employees against the cited hazard during the abatement period; and (e) a certification that a copy of the petition for modification of abatement date has been **posted for employees at the location of the subject citation. The posted copy of the petition must remain posted for a minimum of ten working days.**

If the Department (issuing division) or affected employees file an objection to the request of time within ten working days of the employer’s filing date, the Board will schedule a hearing and advise the employer in writing of the date, time and location of the hearing.

**VII. EMPLOYER DISCRIMINATION UNLAWFUL**

The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under MIOSHA, Act 154 of 1974, as amended.

For additional information or assistance, contact the Department at the address, telephone number, or FAX number of the relevant division shown on the back cover.



**NOTICE**

This brief brochure is an introduction to the MIOSHA Citation and Appeal Process. However, it is not a substitute for the Michigan Occupational Safety and Health Act and order pursuant to the Act.

For Further information, visit our website at [www.michigan.gov/miosha](http://www.michigan.gov/miosha)

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## Contacts

For questions regarding occupational safety and health.

### Michigan Department of Labor & Economic Growth Construction Safety & Health Division

7150 Harris Drive, Box 30645  
Lansing, MI 48909-8145  
Telephone: 517/322-1856  
FAX: 517/322-6354

### Michigan Department of Labor & Economic Growth General Industry Safety & Health Division

7150 Harris Drive, Box 30644  
Lansing, MI 48909-8144  
Telephone: 517/322-1831  
FAX: 517/322-6353

### Michigan Department of Labor & Economic Growth Employee Discrimination Section

24155 Drake Road – Suite 213  
Farmington, MI 48835-3168  
Telephone: 248/888-8777  
FAX: 248/888-8779



Michigan Department of  
**Labor & Economic Growth**

# MIOSHA CITATION AND APPEAL PROCESS

*Michigan Department of  
Labor & Economic Growth  
Michigan Occupational Safety  
& Health Administration*



*Michigan Occupational Safety & Health Administration*

## MIOSHA CITATION AND APPEALS PROCESS

The Michigan Occupational Safety and Health Act, Act 157 of the Public Acts of 1974, as amended, is administered by the Department of Labor and Economic Growth (the Department), Michigan Occupational Safety & Health Administration (the Administration). Citations for alleged violations may be issued by the enforcement divisions of the Administration (issuing divisions), namely, the Construction Safety & Health Division and the General Industry Safety & Health Division. Addresses, telephone, and FAX numbers of these divisions are listed on the back cover.

### FINDING OF ALLEGED VIOLATION(S)

An inspection or investigation at a work site may reveal conditions which do not comply with the provisions of the MIOSHA Act. The nature of such alleged violation(s) is described on the citation(s) with reference to applicable standards, rules, regulations, orders and provisions of the Act. These conditions must be corrected on or before the date(s) shown in the line marked “Date By Which Violation Must Be Abated.” Upon reinspection, failure to correct an alleged violation within the abatement period may result in additional proposed penalties. Other requirements and employer/employee petition rights are described as follows.

### I. CITATIONS -

Three copies of citation(s) are provided: a copy for the employer, a copy for posting by the employer at or near the place of the violation, and a copy to notify the Department (issuing division) that the violation has been abated. The employer must post a copy of the citation(s) at or near each place of alleged violation of the items referred to in the citation. The citation must be posted immediately upon

receipt and remain posted until all items are corrected, or for 3 working days, whichever is later. Copies of the citation may be reproduced as necessary to meet the “at or near place of violation” posting requirement. The Act provides for civil penalties up to \$7,000 for each violation for failure to comply with posting requirements.

The Department (issuing division) may be contacted by telephone at the number indicated on the front of the citation for the purpose of discussing any issues raised by the inspection/investigation or citation. This type of contact will not be considered a first appeal of the citation, which is discussed in Section II.

If a citation is not appealed as prescribed in Sections II or III, the citation, and all items thereon, will become a final order of the Board of Health and Safety Compliance and Appeals (Board). Final order of the Board means that the citation is not subject to any further review or change (except as in Section VI below). The terms of the citation, once it becomes a “final order” may be enforced against the employer to which it was issued, if not complied with voluntarily.

### II. FIRST APPEAL - PETITION TO THE DEPARTMENT

An employer may appeal to the Department (issuing division) in writing for modification or dismissal of a citation item and/or any proposed penalty, or request an extension of time for abatement. An employee or employee representative may appeal in writing the reasonableness of the abatement time fixed in the citation. The envelope containing any appeal must be postmarked within 15 working days of the receipt of a citation.

An appeal must specify the item(s) on the citation and that portion of the item (violation, abatement date and/or proposed penalty) which is being appealed. **The appeal must include a certification that the appeal has been posted or given to the affected employees or their representative.** If the Department (issuing division) meets with the employer to discuss a petition, the Department (issuing division) shall notify the employee or employee representative and allow attendance at the meeting.



Michigan Department of  
**Labor & Economic Growth**